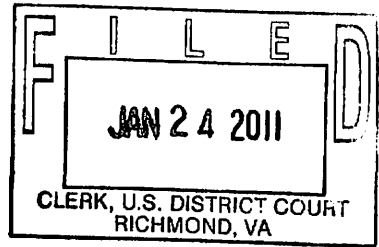


IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division



GREGORY A. RICHARDSON,

Petitioner,

v.

Civil Action No. 3:08CV479

COMMONWEALTH OF VIRGINIA, et al.,

Respondents.

MEMORANDUM OPINION

Gregory A. Richardson, a Virginia detainee proceeding pro se, submitted a 28 U.S.C. § 2254 petition. By Memorandum Opinion and Order entered on January 8, 2009, the Court subjected all litigation submitted by Richardson to a prefiling injunction. Richardson v. Va. Dep't Corr., No. 3:07cv514 (E.D. Va. Jan. 8, 2009). By Memorandum Order entered on October 15, 2010, the Court directed Richardson, within fourteen (14) days of the date of entry thereof, to comply with the terms of his prefiling injunction and further directed Richardson to identify the exact proceeding he wishes to challenge in his present § 2254 petition.

On November 1, 2010, the Court received a notice of appeal from Richardson and a "MOTION FOR RELIEF FORM [sic] JUDGMENT OR ORDER AND TO ALTER OR AMEND A JUDGMENT" (hereinafter "Motion for Relief"). By Memorandum Order entered on December 13, 2010, the Court denied Richardson's Motion for Relief. The same Memorandum Order granted Richardson an extension of fourteen (14) days from

the date of entry thereof to comply with the terms of the October 15, 2010 Memorandum Order.

More than fourteen (14) days have elapsed and Richardson has not complied with the terms of the October 15, 2010 Memorandum Order. Richardson has not identified with specificity the exact proceeding he wishes to challenge in this petition for a writ of habeas corpus. Furthermore, Richardson has not complied with the terms of the prefiling injunction. Specifically, the present habeas petition is not set forth on the standardized forms and is not accompanied by a "motion for leave to file and certificate of compliance." Accordingly, the action will be DISMISSED WITHOUT PREJUDICE.

For the reasons set forth in the Court's prior Memoranda and Orders, the Court certifies that Richardson's November 1, 2010 appeal is not taken in good faith. See 28 U.S.C. § 1915(a)(3). Accordingly, Richardson's request to proceed in forma pauperis on appeal (Docket No. 26) will be DENIED.

The Court hereby provides Plaintiff with notice that, pursuant to Federal Rule of Appellate Procedure 24(a)(5), he may file a motion to proceed on appeal in forma pauperis in the United States Court of Appeals for the Fourth Circuit within thirty (30) days of entry hereof. Failure to timely file such a motion may result in the loss of the right to file such a motion. The motion must include a copy of this Memorandum Opinion and Order.

The Clerk is DIRECTED to send a copy of the Memorandum Opinion
Richardson.

/s/ *REP*

Robert E. Payne
Senior United States District Judge

Date: January 24, 2011
Richmond, Virginia